

## **Married Taxpayers – Separate Returns- Community Property**

Arizona is a community property state. If you file a separate return, you must figure how much income to report using community property laws. Under these laws, a separate return must reflect one-half of the community income from all sources plus any separate income.

When you file separate returns, you must account for community deductions and credits on the same basis as community income. Both you and your spouse must either itemize or not itemize. If one of you itemizes, you both must itemize. If one of you takes a standard deduction, you both must take a standard deduction. One of you may not claim a standard deduction while the other itemizes.

If you and your spouse support a dependent child from community income, either you or your spouse may claim the dependent. Both of you cannot claim the same dependent on both returns.

For more information applicable to married taxpayers, see the following individual income tax rulings, brochure, forms and statutes.

### **Individual Income Tax Rulings**

ITR 02-3 - Allocating Joint Estimated Payments to Separate Returns

ITR 97-3 - Arizona Taxation of a Community Property Interest in a Military Spouse's Active Duty Military Pay

ITR 97-2 - Joint and Several Income Tax Liability

ITR 95-2 - Filing a Joint Tax Return When a Resident Spouse is Married to a Part-Year Resident or Nonresident

ITR 93-26 - Tax Collection from Married Individuals for Premarital Income Tax Liabilities

ITR 93-25 - Tax Collection from a Divorced Individual for Tax Due on a Separate Return Filed by the Former Spouse

ITR 93-23 - Reporting Income, Deductions, Exemptions, and Withholding for Divorced Individuals for the Year of Divorce

ITR 93-22 - When Community Income May Be Treated as Separate Income

ITR 93-20 - Income Reporting Requirements of Resident and Nonresident Spouses Who File Separate Arizona Individual Income Tax Returns

ITR 93-19 - Deductions, Exemptions, and Credits for Married Taxpayers Who File Separate Arizona Individual Income Tax Returns

ITR 93-18 - Income Reporting Requirements for Married Arizona Residents Who File Separate Arizona Individual Income Tax Returns

ITP 00-1 - Procedure for Requesting Relief from Joint and Several Liability

### **Department Publication**

Publication 300 Innocent Spouse

### **Forms**

200 - Innocent Spouse Relief

202 - Personal Exemption Allocation Election

### **Arizona Statutes**

A.R.S. § 25-211 Property acquired during marriage as community property; exceptions

A.R.S. § 25-213 Separate property

A.R.S. § 25-215 Liability of community property and separate property for community and separate debts

A.R.S. § 42-2074 Equitable relief from joint and several liability

A.R.S. § 42-2201 Election for relief from joint and several liability; definition

A.R.S. § 42-2202 Separate liability election; definition

A.R.S. § 43-301 Individual returns; definition

A.R.S. § 43-309 Joint returns of husband and wife

A.R.S. § 43-562 Husband and wife, liability for tax

A.R.S. § 43-581 Payment of estimated tax; penalty; forms

A.R.S. § 43-1041 Optional standard deduction

A.R.S. § 43-1043 Personal exemptions